

well, Flanagan, McCulloch, Potter, Weatherford and Whitaker—10.

On motion of Mr. Taylor of Cass, the Senate adjourned till Monday morning, at 8 o'clock.

MONDAY, July 21st, 1856.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of Saturday was read and adopted.

Mr. Millican moved a re-consideration of the vote on the final passage of A bill making appropriation for the per diem pay and mileage of the members, and the per diem pay of the officers of the adjourned session of the sixth Legislature—lost.

Mr. Lott presented the petitions of John G. Stranger and Alexander Rosenbaum and of Elizabeth McKinney—referred to the committee on Private Land Claims No. 2.

Mr. Millican presented the memorial of Sam'l B. Kellough, and that of the County Court of Robinson county—referred to the committee on Private Land Claims No. 2.

Mr. Hill presented the petitions of H. A. Adams and Thos. G. Dunn—referred to the committee on Private Land Claims No. 2.

Mr. Potter presented the petition of the citizens of Galveston—referred to the committee on State Affairs.

Mr. Martin presented the petition of William L. Porter and others—referred to the committee on Private Land Claims No. 2.

Mr. Flanagan, Chairman of the committee on Internal Improvements, made the following report:

The committee on Internal Improvements have had before them a bill, supplemental to and amendatory of the act to amend an act, supplemental to an act to establish the Galveston, Houston and Henderson Railroad company, approved January 10, 1854, and approved January 23d 1856, and after carefully examining the same, have instructed me to report it back to the Senate and recommend its passage.

On motion of Mr. Taylor of Houston, the rule was suspended, the bill was taken up, read and ordered to be Engrossed.

On motion of Mr. Taylor of Houston, the rule was further suspended, the bill read third time and passed by the following vote:

YEAS—Messrs. Allen, Burroughs, Flanagan, Guinn, Hill, Hord, Lott, McCulloch McDade, Martin, Maverick, Millican, Potter, Scott, Superviele, Taylor of Houston, Truit, Russell, Weatherford White and Wren—21.

NAYS—Messrs. Armstrong and Grimes—2.

Mr. Superviele, Chairman of the committee on Counties and County Boundaries, made the following report :

The committee on Counties and County Boundaries, to which was referred the memorial of the County Court of Newton County, and also the petition of the citizens of Newton county, praying that a majority of the citizens of Newton county be permitted to select a place for the seat of Justice ; also the petition of the citizens of Newton county, praying that the town of Newton be declared the county seat of Newton county ; also, A bill from the House "to locate permanently the county seat of Newton county;" have had the same under consideration, and have instructed me to report that the facts of the case are as follows : The county of Newton was created by act of the Legislature, April, 1846, by which act Commissioners were appointed to select two places, (one within five miles of the centre,) to be voted for by the citizens for the county seat. At the election holden in pursuance of the requirements of said act, the centre received the highest number of votes, but from some error or mistake of the Commissioners, the place described in the election notices instead of being described as on the land of E. Mansel, as was the true situation, was described as being on the land of E. P. Morrison, a place four or five miles from the place selected by the Commissioners ; whereupon, a difficulty arose as to where the county site should be. On the 10th February, 1848, the Legislature, by law, declared Burkville the county seat of Newton county, and Burkville remained the county seat of said county by virtue of said act, until the Spring of 1853. In February, 1853, an election was ordered and holden, under the provisions of the law of May the 9th, 1838, (Hartley's Dig. Art. 337,) which resulted in the election of the centre as the county seat ; commissioners were appointed, a suitable point [within two miles of the centre] was selected by them for the seat of Justice, donation of land received by the County Court, lots laid off and sold, public buildings erected, at a cost of about twenty hundred dollars, and the place named Newton ; the District Court has been held at the town of Newton

up to the present time ; the County Courts held its sessions at the town of Newton, up to the Spring of 1855.

In compliance with a petition of the citizens of Burkville and vicinity, in April, 1855, an election was ordered and holden (under the provisions of the act of May 9th, 1838,) for the purpose of removing the county seat to Burkville. At the return day, it was found that Burkville had received a small majority, but before the result of the election was announced, the friends of Burkville objected to the election, and plead the special act of 1848, making Burkville the county seat, whereupon the Chief-Justice declared said election a nullity, and ordered the records of the Courts to be removed to the town of Burkville, and the Courts to be thereafter holden at the town of Burkville. The order of the Chief-Justice was suspended, (but not before the records had been removed to Burkville,) by the issuance of an injunction from the District Judge, and at a subsequent term of the District Court, the matter was investigated and the Court decided that Burkville was not the county seat of Newton county.

It is also in evidence before the committee, that the Chief-Justice still refuses to permit the county records to be removed to the town of Newton and refuses to hold court at Newton, and persists in holding his court in the town of Burkville—that in consequence thereof, the citizens of Newton county are entirely and totally deprived of the benefit of a County Court, to the great damage of the good citizens of said county, and great confusion and ill feeling are engendered between the citizens.

In consideration of the premises, the committee have instructed me to return the memorial and petitions, and ask to be discharged from the further consideration thereof; the bill of the House is herewith returned and its speedy passage recommended.

On motion of Mr. Burroughs, the rule was suspended, and the bill taken up, read and amended by striking out all after the word "provided," in 1st Section, and inserting "that nothing in this act shall be construed as to prevent the citizens of Newton County from removing or selecting the County seat" under the provisions of an act entitled "an act providing for the removal of county seats of Justice," approved May 9th, 1838.

The bill was then passed to a third reading.

On motion of Mr. Guinn, the rule was further suspended, the bill read 3d time and passed.

Mr. Hill, from the committee on Private Land Claims No. 1; to which were referred A bill for the relief of the heirs of James M. Bell, dec'd., and

A bill for the relief of James A. York, reported the same back, recommending their passage.

Mr. Hill, chairman of the committee on Claims and Accounts, made the following report :

The committee on Claims and Accounts, have had under consideration the memorial of the heirs of doctor J. A. E. Phelps, for supplies furnished the army, and money advanced the Government in the years 1835 and 1836, and a majority of the committee instruct me to report the accompanying bill for his relief, and recommend its passage.

A bill for the relief of the heirs of J. A. E. Phelps, dec'd.; read 1st time.

Mr. Guinn, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed :

A bill to incorporate Gonzales Lodge, of the Independent Order of Odd Fellows.

A bill to incorporate the Neches River Causeway Company.

A bill fixing the compensation for saving cotton found in any of the waters of this State, or on the coast thereof, in the Gulf of Mexico.

A bill for the relief of Lieut. M. Hitchcock.

A bill for the relief of William Perry Moore.

A bill for the relief of Margaret Culbertson.

A bill for the relief of Eli Hart.

A bill for the relief of Francisco Antonio de Los Rios.

A bill for the relief of Powhatan Archer, dec'd.

A bill for the relief of the heirs of Mary Smith, dec'd.

A bill for the relief of G. W. L. Haynes.

A bill for the relief of the heirs and assigns of John B. Webb.

A bill to authorize the County Clerk of Houston county to transcribe the mark and brand book of said Houston county, and index the same ; and

A bill supplementary to and amendatory of an act to amend an act supplementary to an act to establish the Galveston, Houston and Henderson railroad company, approved January 10th, 1854, and January 23rd, 1856.

Mr. Guinn introduced a bill for the relief of those single

men who were in the battle of San Jacinto and other battles in the years 1835 and 1836, and who have since married—read 1st and 2d times and referred to the committee on Public Lands.

On motion of Mr. McCulloch, a bill for the relief of James Rodgers, was taken from the table and read; the bill was then rejected.

Mr. Caldwell presented the petition of David Scott, referred to the committee on Private Land Claims No. 1.

Mr. Truit introduced a bill to prevent the killing of hogs running at large, unless in certain cases—read 1st and 2d times and referred to the committee on the Judiciary. Also,

A bill for the relief of James Latham, Jr., together with a petition—read 1st and 2d times and referred to the committee on Private Land Claims No. 1.

Mr. Potter introduced a bill granting certain Real Estate to the city of Austin—read 1st and 2d times and referred to the committee on Public Buildings.

Mr. Weatherford introduced a bill to legalize a certain Colony certificate—read 1st and 2d times and referred to the committee on Public Lands.

Mr. Allen introduced a bill to dispose of the public lands within the railroad reservations—read 1st and 2d times and referred to the committee on Public Lands.

Mr. Taylor of Cass offered the following resolution:

Resolved, That the Judiciary committee be requested to take into consideration the propriety of changing the Statute of limitations, so as to make a partial payment a removal of the note or account, and report by bill or otherwise—adopted.

A message was received from the House informing the Senate that the House had passed A bill originating in the Senate for the relief of the heirs of Wm. Watson, dec'd; and a bill originating in the House to consolidate the Texas Monumental committee, and the Texas Military Institute, with Ruterville College.

ORDERS OF THE DAY.

A bill to incorporate the San Antonio River Navigation Company, for the purpose of making the same navigable for Steam and other boats—read.

On motion of Mr. McCulloch, the bill was laid on the table.

A bill to amend an act entitled an act to fix the salaries of the Judges of the Supreme and District Courts—read a 3rd time.

Mr. White moved that the bill be re-referred to the committee on the Judiciary—lost, by the following vote :

YEAS—Messrs. Armstrong, Burroughs, Hord, Martin Millican, Russell, Scott, Weatherford, White and Wren—10.

NAYS—Messrs. Allen, Bryan, Flanagan, Grimes, Guinn, Hill, Lott, McCulloch, McDade, Maverick, Palmer, Pedigo, Pirkey, Potter, Scarborough, Taylor of Cass, Taylor of Houston, Truit and Whitaker—19.

Mr. Taylor of Cass, offered a bill to fix the salaries of the Judges of the Supreme and District Courts, as a substitute—rejected.

Mr. White offered the following amendment :

“Be it further enacted, that all elections to fill vacancies caused by resignation, shall only be to fill the unexpired time of their respective terms, consisting of six years, at the expiration of which time there shall be a regular election for these offices for the next succeeding term, which shall consist of 6 years.”

On motion of Mr. Taylor of Houston, laid on the table.

The bill was then passed by the following vote :

YEAS—Messrs. Allen, Bryan, Caldwell, Flanagan, Grimes, Guinn, Hill, Hord, Lott, McCulloch, McDade, Maverick, Palmer, Pedigo, Pirkey, Potter, Scarborough, Taylor of Cass, Taylor of Houston and Whitaker—20.

NAYS—Messrs. Armstrong, Burroughs, Martin, Millican, Russel, Scott, Truit, Weatherford, White and Wren—10.

A bill for the relief of the creditors and the Colonists of the German Emigration Company, and to indemnify said company, &c., made the special order for to-day—read.

Mr. Armstrong moved the re-reference of the bill to the committee on the Judiciary.

Mr. Guinn moved the indefinite postponement of the bill—lost by the following vote :

YEAS—Messrs. Armstrong, Burroughs, Caldwell, Guinn, Lott, Martin, Pirkey, Russell, Scott, Taylor of Cass, Weatherford, Whitaker, and Wren—13.

NAYS—Messrs. Flanagan, Grimes, Hill, Hord, McCulloch, Maverick, Millican, Palmer, Pedigo, Potter, Scarborough, Superville, Taylor of Fannin, Taylor of Houston, Truit and White—16.

The question then recurring on the motion of Mr. Armstrong, to re-refer the bill, the motion was lost by the following vote :

YEAS—Messrs. Armstrong, Burroughs, Hill, Martin, Millican, Pirkey, Scott, Weatherford and Wren—9.

NAYS—Messrs. Allen, Bryan, Caldwell, Flanagan, Grimes, Guinn, Hord, Lott, McCulloch, McDade, Maverick, Palmer, Pedigo, Potter, Russell, Scarborough, Superviele, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Truit, Whitaker and White—23.

On motion of Mr. Palmer, the bill was amended by adding: "Provided that the benefits of this act shall also be extended to the creditors whose claims have not been liquidated or sued upon and prosecuted to judgment, and no legal or just claim shall be barred against said company.

Mr. Grimes moved to amend the bill by striking out in the 3d Section, "and any other lands of the vacant domain of the State of Texas, not exempt by law from location"—adopted.

On motion of Mr. Palmer, the bill was made the order for to-morrow morning, 9 o'clock.

On motion of Mr. Taylor of Cass, the Senate adjourned till to-morrow morning, at 8 o'clock, by the following vote:

YEAS—Messrs. Armstrong, Bryan, Caldwell, Flanagan, Grimes, Guinn, Hill, Lott, McCulloch, Martin, Maverick, Millican, Pirkey, Potter, Scarborough, Taylor of Cass, Taylor of Fannin, Truit and Whitaker—19.

NAYS—Messrs. Burroughs, Hord, Palmer, Russell, Scott, Taylor of Houston and Weatherford—7.

TUESDAY, July 22, 1856.

The Senate was called to order by the President, pursuant to adjournment. Prayer by the Chaplain—roll called, quorum present.

The journal of yesterday was read and adopted.

Mr. Flanagan, Chairman of the committee on internal improvements made the following report:

The committee on internal improvements have had before them "An act to amend the caption and the first and sixteenth section of an act to incorporate the Texas Western Rail Road Company," approved Feb. 16th, 1852.

The committee have also had at the same time the veto of the Executive, and they have very deliberately and with great care examined closely the acts of the present company—they have also with much care examined the arguments and objections to the passage of the bill, by his Excellency—and after such investigation the committee came to conclusions very